

CL2121 US NA
Application No.: 10/318,294
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REMARKS / ARGUMENTS**Status of the Claims:**

Claims 1-8 are currently pending. Claim 1 has been amended to more clearly set forth the subject matter of the invention. Claim 9, which was previously withdrawn has now been canceled. Applicants reserve the right to file a divisional application directed to the subject matter of the canceled claim. Applicant respectfully requests reconsideration of the present Application in view of the amendments and the following remarks.

Elections/Restrictions

The application has been subject to a restriction requirement. Restriction to one of the following inventions has been required:

- I. Claims 1-8, drawn to a process of making polyester bicomponent fibers, classified in class 264, subclass 172.17.
- II. Claim 9, drawn to polyester bicomponent fibers (of PET and PPT), classified in class 428, subclass 373.

Applicant affirms the previous election of Group I, claims 1-8, without traverse. As mentioned above, claim 9, which was previously withdrawn, has been canceled.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 1, 2, and 4-8 have been rejected as anticipated by European Patent Application EP 1059372 A1 to Ochi et al. under 35 U.S.C. §102(b), as well as by U.S. Patent Application Publication 2003/0052436 A1 to Koyanagi et al ("Koyanagi") and U.S. Patent Application Publication 2002/0025433 A1 to Chang et al. ("Chang"). In the alternative, claims 1-8 have been rejected as unpatentable in view of any one of Ochi, Koyanagi, and Chang. Applicant respectfully asserts that the amendment of claim 1 obviates these grounds of rejection.

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Claim 1 has been amended to include determining the maximum shrinkage spinning rate (MSSR) of the polymers. As stated in the specification at page 5, lines 3-5, it was not previously known that an MSSR existed. The present invention provides a method for preparing fiber such that the latent shrinkage of the fiber is maximized. The method is conducted by preparing the fiber at the MSSR, by first determining the MSSR which includes analyzing and considering several factors such as the ratio of crystallization rates of the two polymers, the absolute magnitude of the crystallization rate of the faster-to-crystallize component, the thickness or denier of the fiber being produced, the spinning temperature, and the type of quench imposed on the moving fiber line.

None of the cited references, Ochi, Koyanagi or Chang, disclose, teach or suggest that the latent shrinkage of the bicomponent fiber may be maximized by first determining the MSSR. Further, none of Ochi, Koyanagi or Chang discloses, teaches or suggests how the MSSR may be determined or what factors may be considered in the determination. Therefore, each of Ochi, Koyanagi, and Chang fails to either anticipate or render obvious the claims as amended. Reconsideration and withdrawal of the rejections of claims 1-8 under Sections 102 and 103 are appropriate and respectfully requested.

CONCLUSION

For the reasons stated above, claims 1-8 are believed to be in condition for allowance. Accordingly, Applicant respectfully requests that the Application be allowed. If prosecution may be further advanced, the Examiner is invited to telephone the undersigned to discuss this application.

It is not believed that any fees are required with the present response. However, if any fees are required, please charge or credit the balance to Deposit Account 50-3223.

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